

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNETH ANDRE DADE,)	
)	Civil Action No. 04 - 1343
Petitioner,)	
)	
v.)	Judge Gary L. Lancaster /
)	Magistrate Judge Lisa Pupo Lenihan
DAVID DIGUGLIELMO, THE)	
DISTRICT ATTORNEY FOR THE)	
COUNTY OF ALLEGHENY, and THE)	
ATTORNEY GENERAL FOR THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

The above captioned Petition was received by the Clerk of Court on September 3, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 13), filed on March 21, 2006, recommended that the Petition for Writ of Habeas Corpus, as amended, be denied and that a certificate of appealability be denied. Service was made on all counsel of record and they were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Petitioner filed Objections to the Report and Recommendation (Doc. No. 17) on May 1 2006. No reply to the objections have been filed. After review of the

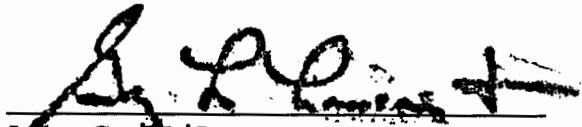
pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 31st day of MAY, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus, as amended, is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability be **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 13) of Magistrate Judge Lenihan, dated March 21, 2006, is adopted as the opinion of the court.



Judge Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

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